

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10554 of 1995

with

SPECIAL CIVIL APPLICATION No 9565 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

BHALABHAI KHODABHAI PARMAR & ANR.

Versus

GUJARAT SCHEDULE CASTE ECONOMIC DEVELOPMENT CORP.LTD.

Appearance:

1. Special Civil Application No. 10554 of 1995
MR SANJAY M AMIN for Petitioner
MR KV GADHIA for Respondent No. 1
2. Special Civil Application No 9565 of 1995
MR JV JAPTEE for Petitioner
MR KV GADHIA for Respondent No. 1

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 14/10/96

ORAL JUDGEMENT

The facts and grounds of challenge made by the petitioners in both these Special Civil Applications are somewhat identical, and as such, the same are being disposed of by this common order.

Both the petitioners, as per the averments made by them in the Special Civil Applications are agriculturists and belong to schedule caste and schedule tribe. The respondent-Corporation invited the applications for providing loans for purchase of vehicles to the needy persons of the schedule caste and schedule tribe for their self-employment. Both the petitioners in response to the said advertisement, applied for grant of the loan for purchase of Tractor-Trailer with cultivator. It is not in dispute that both the petitioners were sanctioned the loan as prayed for by the Corporation, but subsequently the sanction has been cancelled on the ground that the petitioners were not having the licence for driving the Tractor.

Both the learned counsel for the petitioners contended that one of the petitioner has licence for heavy vehicle and another petitioner has licence for light vehicle, and as such, no separate licence is required for driving the Tractor.

I do not consider appropriate to go on the merits of this contention. What I feel is that it is not the matter which has become res judicata. Even if at one point of time, the petitioners were considered to be ineligible for the grant of loan, it is always open to the petitioners to file fresh application and if any such application is filed, the respondent-Corporation shall consider the same in accordance with law.

The interest of justice will be met in case both these Special Civil Applications are disposed of with the directions that it shall be open to the petitioners to make fresh application for grant of loan for purchase of Tractor-Trailer with cultivator under the self-employment scheme to the Corporation, and if any such application is made, it is expected of the respondent-Corporation to decide the same within a period of three months from the date of receipt thereof. In case, the applications of the petitioners are not accepted then the respondent-Corporation will give the reasons and an order made thereon shall be communicated to the petitioners by registered post. Rule stands discharged in the aforesaid terms with no order as to costs.

zgs/-